

**Probation Services Task Force Meeting Minutes**  
**Double Tree Hotel, Burlingame, California**  
**March 22-23, 2001**

**Attendance, Thursday, March 22, 2001:**

- |                                 |                              |
|---------------------------------|------------------------------|
| 1. Bamattre-Manoukian, Patricia | 16. Lopez, Rubin             |
| 2. Bungarz, Denny               | 17. Mahoney, Bill            |
| 3. Burrell, Sue                 | 18. McCarthy, Kevin          |
| 4. Crogan, Alan                 | 19. Miller, Ralph            |
| 5. Davidson, Bill               | 20. Nevin, Mike              |
| 6. Demski, Tim (audience)       | 21. Newman, Matt             |
| 7. Evje, Audrey                 | 22. O'Neil, Maureen          |
| 8. Friedman, Terry              | 23. Overholt, Ron            |
| 9. Gahub, Frank                 | 24. Ramstein, Art (audience) |
| 10. Gonzalez, Sheila            | 25. Rhoads, John             |
| 11. Howard, Elizabeth           | 26. Roddy, Michael           |
| 12. Johnson, Bryce              | 27. Schuman, Al              |
| 13. Johnson, Michael            | 28. Szalay, Steve            |
| 14. Kader, Phil                 | 29. Weinstein, Joshua        |
| 15. Kassiola, Beth              |                              |

**Welcome and Introduction – Hon. Patricia Bamattre-Manoukian, Chair**

- Unable to attend today is Barbara McIver. Mike Roddy will fill in for her as chair of the Relationships Sub-Committee.
- Thanks given to all Task Force members for their dedication and hard work on both the Relationships and Services Sub-Committees.
- Announced the resignation of Juan Arambula from Task Force due to scheduling conflicts
- Announcement of Sheila Gonzalez's resignation as CEO of Ventura County Superior Court and appointment as Regional Director of the Judicial Council's Administrative Office of the Courts. Despite the new position, Sheila will continue on as an active member of the Task Force
- Guests attending the meeting were Tim Demski and Art Ramstein of the California Service Bureau. Interested in learning more about Proposition 36. They have developed software programs for probation services and other government services. For information on their organization, please log on to:  
[www.californiaservicebureau.com](http://www.californiaservicebureau.com)

## **I. Probation Services Task Force Survey Results – Al Schuman**

**(Copy of survey results attached)**

- Presentation is a compilation of both the actual data that I gathered from the survey, information from my six site visits last year, and also some recommendations that I have in regards to my own personal experience with probation services throughout the nation.
- We should commend everyone here for the number of people we have reached in this process.
- There is a major consistency in the services area from what everyone said in their responses.
- The feedback that we have received allows us to make a blueprint for actions that we should take. It gives us the right direction to follow as a task force.
- There are a surprising number of services available through the County Probation offices
- Regardless of how much funding we have in the State's budget, from the information gathered, we can make recommendations from what already exists.
- Amount of services provided are actually surprising
- Refer to handout to see the six stakeholder groups that were surveyed in all counties. 135 responses, from 56 counties, at least one response from 97% of counties

### **PART 1: AGENCY STAFFING AND WORKLOAD**

- Question 1: Refer to handout for break down of staffing and vacancies. For vacancies, this is an excellent track record considering staff moving, people going into other fields, moving from county to county.
- Question 2: Refer to handout. These numbers are for both juvenile and adult combined. There is a challenge with such diversity is the development of a variety of strategies. What are some of the challenges we face considering small, medium, and large counties?
  - In a small county, a probation office will have to be able to be more diverse in their services.
  - In a midsize county, they are more aware of their mission and are able to work together to reach it. The larger the department, the more difficult to obtain the goal.
  - With large departments, it will be a very long, slow learning process.
  - With small counties, by budget and necessity, we have to coordinate programs that interact with one another.
  - In smaller counties, there are less caseloads, but also less resources.
  - Thinking of issues and solutions must be thought of in two categories

## **2a. Adult Probationers (misdemeanor-felony-total) (topic 3)**

- Refer to handout
- Larger jurisdictions have to be making decisions with their resources. The decision clearly is let's provide services to felony offenders and we can't do what we want to do with misdemeanants.
  - This will all change with Prop. 36 as it mandates some supervision issues and it may be that we'll see more misdemeanor offenders.
- High percentage of felony offenders are now misdemeanors with broken down felons.
- Refer to handouts for discussion points
- The Task Force should make the observation that not providing supervision for misdemeanants puts local communities at risk. You'll have serious offenders who, through plea-bargaining, have been reduced to misdemeanants.
- This raises the general point that in the area of probation, there is still a lack of resources. And, there should be concern expressed about this issue!
- Purpose of Task Force should also to do some educating. Even with the extreme lack of resources, expectations for probation services remain exceedingly high and not realistic.
- One issue is that someone on probation in a small county receiving supervision might move to a larger county and get no supervision, and they know that!
- Educating the public on probation's role is extremely important.
- Public safety is the number one priority amongst all those who participated in the survey
- The issue of probation not getting enough funding and having adequate resources affects not only the probation departments, but all players in the court system.
- Probation's role is supposed to be to provide public safety, yet all of the funding goes to the sheriff and DA. Probation must be elevated to an equal status.
- We must educate the public to stop having the community perception that probation can do more than it's able to do with its very limited resources
- That should be an obligation for the Task Force; to let the people really believe that expectations of probation are just not possible due to the lack of resources.
- If probation is not able to accomplish their goal with an individual because of the lack of resources, then that person will end up back in the court system and it will cost much more. Resources are being poured into the court system and people really don't realize that in the long run, it will cost much more to incarcerate rather than rehabilitate. Allocation of resources initially is very important, yet overlooked.
- Cost of a jury trial is about \$8,000 per day, and that is an old figure!
- Issue of funding is one more of adequate funding and not additional funding. If adequate funding is provided in the beginning for a misdemeanant and they do receive supervision, perhaps recidivism will decrease and it will actually be a cost-saving benefit.
- More importantly, what if someone who is supposed to be on supervision, for example, domestic violence, isn't really supervised, and then murders his girlfriend

when he's not supervised? You cannot place a value on that, so the cost is irrelevant. Probation will have failed.

- Public must be informed that something actually happens when someone is on probation. Currently, public perception is that if you get probation, you're off the hook from punishment.

## **2b. Juvenile Probationers (misdemeanors-felons-total) (topic 4)**

- Refer to handout
- Issues of Proposition 21 came into discussion
  - Anecdotal stories are misleading. They are highly publicized, and not really representative of what is going on.
  - Prop 21 issues are still too early to evaluate
  - The data that we will soon have should be compared to national figures
  - In San Francisco County, CBOs are relied upon to provide some probation service. This is true statewide as well.
  - We should include data on Prop 21 and Prop 36 in our report to the extent that we have good data and good numbers
  - Prop 21 impacts probation services to minors
  - Prop 21 will probably have a negligible impact. The DAs are afraid of the political impact. We may not know the true effect of Prop 21 for a few years.
  - Prop 21 will play out in the appellate courts
- There is a bad public perception and misconception of probation services. It carries a stigma. Perhaps probation should be renamed to "Community Corrections"
- The renaming of probation has happened in Texas. It will take time for the officers to accept the new identity. In Connecticut, they are still probation officers working in the department of Community Corrections.
- Is this a short-term solution? Would the same problems exist a few years later despite the name change? The same problems will still be there. It will take more than just a name.
- Arizona has an automatic kick-in of resources if capacity is reached.

## **5. Average population juvenile correctional facilities and rated capacity**

- Refer to handout
- 2/3 of the 36 counties responding have populations that exceed capacity
- Based on observations, whenever capacity is exceeded, services are completely compromised and juveniles are deprived of these services, not to mention the security issues.
- The over-crowding is a crisis and the Task Force should address this
- State of California is throwing a lot of money into the over-crowding issue. They are trying to "build" their way out of this issue and it is not the answer. This is a

misallocation of resources that could go to services to get the kids out of these facilities and back into society.

- Logical direction would be to have a comprehensive plan to create safe and effective alternatives to the juvenile halls.
- Juvenile halls are very outdated as well. In San Francisco, for example, the physical set up of the hall is very outdated and is not designed for services that would rehabilitate the kids and get them out of there. Therefore, not only is over-crowding an issue that should be addressed but we need to evaluate the quality of the detention facility
- Before new facilities are considered being built, all other alternatives should be considered first.
- The Task Force should look at successful alternatives to juvenile halls, i.e., Santa Cruz County and the fact that their halls are under capacity. In addition we can do costs analysis which show the amounts of money wasted on incarceration versus rehabilitation through services
- We need to emphasize the risk/needs assessment in all cases. Detention centers have been used too often as punishment and not rehabilitative services

#### **6. Average Daily Caseload per Probation Officer**

- Refer to handout
- In terms of intensive supervision, expectations on contact and service delivery must be clearly defined and set by standards
- There are both statewide standards and local standards. But for probation services, there should be certain statewide services
- Perhaps a neutral entity should develop standards for probation statewide. One issue would be access for all statewide to these services that have reached the standard. For instance, some small counties might not be able to access the services that other larger counties might be able to offer
- There is a lack of clarity amongst the 58 different county programs. We need to have common definitions and terms, especially for defining intensive supervision
- It's obvious that the people working in probation know what they are doing and they are doing great things statewide. There is agreement that one of the major issues is that there is not equal access available statewide.
- Arizona has been able to implement a statewide model. This is an outcome, workload model. Perhaps we need to have them come out and present on how they were able to reach a statewide services program. Then again, Arizona has money. Also, probation is a priority to them.
- We have seen minimum standards and expectations, but we need to have minimum standards for intensive supervision.
- We can't rush offenders through and stop giving services to them to make room for others coming in. It will affect the outcome in a negative way.

- In Orange County, a needs assessment is conducted to determine if an individual needs to remain in services
- Early termination should be maximized when possible. Banking of cases will only unnecessarily use up limited resources.
- Some would argue that there is nothing wrong with a banked caseload, as long as you recognize what it really is
- There is a difference between administrative and banked caseload. Probation should not even get involved until someone is arrested and comes back to the system.
- A needs assessment must be done as caseload numbers don't necessarily tell the whole story
- Those who are in the system must be looked at closely. Do they truly belong there? We don't need huge number to justify the system

### **Adult Regular Supervision Average Caseload**

- Refer to handout
- Public safety is the highest priority listed
- Unsupervised adult felons are a major public safety concern that needs to be addressed by the Task Force

### **Adult Banked Average Caseloads**

- Refer to handout
- Cases are banked because of lack of resources
- Because of the lack of resources, probation is almost set up for failure
- Services need to be with supervision. Supervision alone will not work.
- We need to look at banked caseloads in conjunction with services. Will this reduce recidivism?
- There is a public safety concern: should money be spent on services or should it be increased for detention facilities?
- We need to come up with data that shows that alternative services will indeed reduce recidivism. Legislature will want answers. How much bang do you get for your buck?
- One issue that has yet to be discussed is that of having probation officers on high school campuses. The appearance of a probation officer is much less threatening than that of a police officer.
- Having more police on the streets has shown us that they will find more crime. The same is true with probation. The more probation officers you have increases our ability to hold people accountable for violating probation which ultimately can result in prison time. Increasing caseloads is not to just provide service, but it appeases both sides of the debate
- It is inappropriate and unfair to continue to under-fund probation departments and at the same time have higher performance expectations than are realistic.

## **7. Juvenile Home-Intensive Average Supervision Caseload**

- Refer to handout
- Contrasted to adult intensive supervision, juvenile intensive supervision has much smaller and manageable average caseloads

## **Juvenile Home-Regular Supervision**

- Refer to handout
- It is recommended that an accurate analysis of the actual workload of probation staff in each county be addressed by the Task Force. This is the only objective means to verify resource needs.

## **Probation Supervision Workload Standards Recommendations**

- Refer to handout
- Each case in probation has a weighted value depending on risk/need that helps determine an equal distribution of workloads over a period of time. Probation officers can be held to the same standards of performance. The Task Force should recommend a strategy for determining accurate workload measures in each county.

## **8. Do you use risk/needs assessment tools?**

- Refer to handout
- Assessments were most frequently used with specialized programs that are grant related
- In some counties, they did have risk/needs, but because of the resources available, they didn't plan the supervision according to the needs
- Basically, in the six counties that were visited last year, there is no one who is using a risk/needs assessment for the population
- Assessment of juvenile and adult probationer's risk/needs are essential for maximizing the limited resources available to serve the population
- The Task Force should address this issue as part of the mandate for improving probation services
- Statewide standards are recommended
- Statewide standards are favorable, but should not be legislated mandates. For example, in Florida, the risk/assessment began in a county, and the legislature wanted it implemented statewide and kept tampering with it to the point that it became useless.

## **9. How are adult cases assigned?**

- Refer to handout
- How are we determining the eligibility and need of adult offenders in specialized intensive supervision caseload, other than by offense? Traditionally, we would say, this is your offense, these are the types of services you need. Maybe that's not always the case.

- Once again, a risk/needs assessment must be done.
- We can't guess at what is needed, particularly because the resources are so limited.
- In addition, if the wrong services are or are not provided, there is a liability issue and legal action could be taken
- Orange County and San Diego County are using risk/needs assessments and they are invaluable.
- Not all counties are doing assessments because there are not enough resources to provide needs services

### **Comparing Juvenile and Adult Caseloads**

- Refer to handout
- Limited resources drive CPOs to identify specialized categories of offenders for intensive services (sex and drug offenders)
- CPOs are also chasing dollars from specialized sources
- Juvenile probation departments are better equipped to provide the services, but they are still underfunded

## **PART 2: PROBATION SERVICES**

### **Adult Services**

- Refer to handout
- The Task Force now has data indicating that most counties have the basic service for adult offenders. Even with the limited resources on the adult side, recommendations for standards of performance for services already in place are a realistic approach to improve services on the adult side.
- Most likely, adult probation will not receive additional funding. But based on the information received, standards can be set to improve the effectiveness and quality of services provided.

### **Juvenile Services**

- Refer to handout
- Despite the wide variety of services provided, most of the funding for probation services comes from grants. Funding sources must be evaluated and most importantly, long term and even permanent funding sources must be established
- Despite the national figures of juvenile probationers being substantially less than the adult population, distribution of funds for adult and juvenile are almost equal. In California, juvenile probation services provide 55 different services compared to 33 for adults.
- This is significant considering the juvenile population is so much smaller
- The models and relationships being developed in the juvenile arena are readily transferable to adult service. Only the lack of funding causes them to not be implemented on the adult side



## **2. List the types of specialized court programs available to adults and juveniles in your county**

### **Adult**

- Refer to handout
- Drug and domestic violence courts are available in many counties. The problem is that the funding source is not a permanent one.
- During site visits, counties expressed outstanding partnerships between courts, probation, and community services. The loss of specialized court programs would seriously damage California's community corrections.
- We can use these successful statistics to show the effectiveness of these specialized courts to the legislature.

### **Juvenile**

- Refer to handout
- There are seven specialized court services compared to just three on the adult side
- Again the issue of permanent funding comes about. Most of these great programs are grant funded. What would happen if the funding is lost? Then the programs would be gone as well.
- This will lead to a demise in the credibility of probation as well.

## **PART 3: GOALS AND PRIORITIES OF PROBATION**

### **1. Does your probation department have a written mission statement?**

#### **1a. When was the last mission statement?**

- Refer to handout
- It is not necessary for mission statements to be written every year; however, they should be reviewed annually in conjunction with annual objectives.

### **2. Does your probation department have written annual objectives for:**

- a. Adult Services, 46% yes
- b. Juvenile Services, 44% yes

- Some of the "yes" responses in juvenile and adult do not fit the definition of department objectives.
- In California, there is a lot of turnover with people going from county to county as well as people not having too much correctional experience. You need clear objective and goals for those people to be competent.

### **3. List in order of importance your top 5 priorities for probation**

#### **Adult**

- Refer to handout
- Public safety is the number one priority and offender accountability is the number two priority.

- There is a clear message that the whole state wants public safety. It is one of the major mandates of probation
- Other priorities are rehabilitation, compliance with court orders, victim services, and monitoring

### **Juvenile**

- Refer to handout
- Again public safety and offender accountability are the top priorities
- What is the difference between public safety and rehabilitation? When someone is rehabilitated, doesn't that increase public safety? Perhaps, respondents are meaning something else when they refer to public safety
- Can public safety mean "incarceration" and can the public interpret it as that?

### **4. Has probation tried any innovative programs in the last 3 years that have proven effective?**

- Refer to handout
- Limited resources are the drawback to innovation and positive change. The ideas are there

### **Probation Department Funding**

- Refer to handout
- The general fund contribution included 172 money, but it was classified as public safety funds. It didn't show up as a general fund, but as a distinct fund.
- Many counties are not willing to fund new programs with grants. We need to be careful with this

### **5. Indicate in order of preference any services you would like to add or improve.**

- Refer to handout

The survey taken gives an excellent snapshot of how counties would provide more services with increased resources. There is a strong and consistent theme that resources are sorely needed. Probation departments want to provide increased services at a quality level

### **6 and 7**

- Refer to handout
- The key to improving services does not require money, but emphasizes working together in partnerships.

### **Stakeholder Input (Audrey Eyje and Elizabeth Howard)**

- Various stakeholder meetings have been attended at several conferences including Beyond the Bench, the Delinquency Conference, Public Defender's Association, and the Court's Official Administration conference and also the Chief Probation Officer's Meeting. We will also be attending the CSAC meeting, SCOPO, the Domestic Violence conference in May, and then conclude in June at the District Attorney's conference.
- In addition, we will have roundtable for probationers in four different counties, bringing together adult and juvenile probationers and getting their input
- Refer to binder tab 3 for a complete chart breakdown of Stakeholder Input information.

### **Educational Issues**

#### **Sue Burrell – Youth Law Center**

##### **Introduction:**

- POs need to get educated about laws regarding special education, e.g. ADA, Section 504 of the Rehabilitation Act of 1973, and all other pertinent laws dealing with children with disabilities. Also, the correlation between the state and federal laws
- In addition, POs must also be more educated with those who have special needs and also those that are in detention centers
- Disabled youth that are not in school, whether it be at-home probation, detention centers, awaiting adjudication, or anywhere else have a right to these legal protections for education.
- Refer to tab 5 in binder for educational issues resources. Some excellent resources include
  - Special Education Rights and Responsibilities (CASE)
  - The website for the National Center on Education, Disability, and Juvenile Justice ([www.edjj.org](http://www.edjj.org))
  - Individuals with Disabilities Law Reporter (LRP Publications, on Westlaw and Lexis)
- A guide of drafted standards on what an institutional education/special education program should look like was created by Loren Warboys and me. (refer to handout)

##### **Areas for Improvement:**

1. Intake and Court Processing
2. Detention Centers, Juvenile Halls
3. Dispositional Issues

1. Intake: Who comes into system?

- In addition, many students with disabilities are excluded from schools. Usually they are misdiagnosed.
- Students who get expelled from school almost always end up in the juvenile justice system
- The original Educational Handicapped Act was passed in 1974 after Congress realized that huge numbers of youth were being excluded from schools. This federal law was enacted to ensure that kids with disabilities were served in the school setting whenever possible and that they have due process in the event they are excluded
- Balance has shifted as many schools simply do not want students with disabilities that cause them to behave in what the school administration deems as disruptive. There was a big fight over when it is and isn't appropriate to reprimand a child for being disruptive
- POs must carefully evaluate each child in the system. They must ask themselves, "Does this particular child really need to be in the Juvenile Court System?" Also, "Does this child have a disability?" Perhaps the Task Force should create guidelines to determine exactly what child really belongs in the system.
- More importantly, they must ask these questions when the situation arises in school.
- Many kids have been excluded in the educational system because of the zero tolerance policy
- Students who get expelled from school almost always end up in the system
- In addition, many students with disabilities are excluded from schools. Usually they are misdiagnosed.
- POs must carefully evaluate each child in the system. They must ask themselves, "Does this particular child really need to be in the Juvenile Court System?" Also, "Does this child have a disability?"
- More importantly, they must ask these questions when the situation arises in school.
- Many kids have been excluded in the educational system because of the zero tolerance policy. The Issue of zero tolerance is not always handled in the best way through the juvenile court system.
- Disability impairs behavior
- Need for behavior intervention plans. If misbehavior occurred at school, need to see if plan existed in school.
- Possibility of delaying filing
- Special education, mainstreaming of disabled kids with normal kids is and is not working. Basically it is not being done as it should. Usually if there is a support system, either academically or behaviorally in the classroom, we can say that it does work. Some kids just can't be mainstreamed, but it is believed that most can.

## 2. Institutional Schools/Juvenile Halls

- The Board of Corrections has guidelines that all schools should be following. However that is not always the case. Example given of a tour of one facility and two

17 year old boys were found coloring. Definitely not an educational program that is acceptable. Also, some have bad reputations for just being theaters for kids.

- Board of Corrections requires that kids in these special schools must be in attendance at least 240 minutes per day.
- Board of Corrections requires that the Board of Education sends inspectors once per year to these schools to ensure that they are in compliance with the guidelines set forth.
- Based upon a few site visits of juvenile halls statewide, it has been found that despite the fact that most are not in compliance with the Board of Education, they still are only “eyeballed” by the Board and given the authority to continue functioning as is, which is not sufficient or up to the regulations. Perhaps the Task Force should also consider developing a protocol that tracks regulation and what the standards are.
- Juvenile halls have huge amounts of kids who have disabilities. Why are these disabilities not detected? Perhaps public perception is to blame. Concept of “oh, there just coming in and it’s only a transitional period for them” cause the authorities to downplay the hall’s importance. As we have seen, it has become more of a revolving door situation in which many offenders are coming back and spending months in the halls
- Receiving records from the schools to special schools and vice-versa should be easily done. The process of transferring records must be simplified. That way, a child entering the system will immediately be known as a special education case.
- Probation officers have to be trained to look for clues that show a child as being a special education case
- If a child is out of the traditional school system for even a few days for whatever reason, there has to be some sort of alternative educational outlet for them to receive services. For example, some kids have been in lockdown for 6-8 months and during that time, the kid would not get any education at all
- After a child is in juvenile hall for 3 days, there must be an assessment on the child in terms of their educational capacity
- One major problem is the collaboration (or lack thereof) between the school systems and the juvenile halls. They do not see each other as a team. Educational standards must be set for those youth offenders who are going to be locked up for extended periods.
- WIC 727a gives the juvenile court the power to bring to court agencies who have not met their legal obligations to children. Courts really need to use this law to make sure that special education cases are receiving the services to which they are entitled.
- Despite this law, schools come back with the same responses...lack of resources (teachers, funding, etc.) cause lack of collaboration. However, the law says nothing about adequate resources. It simply deals with entitlement and responsibility.
- Many of the kids coming into the system simply have not been assessed properly by the public education system early on. Had their needs been met early on, perhaps they would not have taken the course which led them into the delinquency system.

- Despite the lack of servicing by the educational system early on, the best route that can be taken now is for the probation officer to have a full awareness of the situation of the child and then make recommendations.
- A federal study of the future of special education kids was conducted and one of its major findings regarding success in life later on dealt with the issue of the kid feeling good about themselves and if they were going to be a viable factor in life
- An example was given of an individual who had a learning disability, but with the right mechanisms (treatment, involved parent, and the best support available), the child was able to succeed and is now getting a doctorate in psychology. This was possible because an early and accurate assessment was done.
- Special education needs have to be determined as early as possible in order to break the course of events which would lead to delinquency
- One important issue is the child who doesn't have any parents and enters the system as a young child and only leaves after he ages out of the system. This is the worst case scenario, but one that every juvenile hall has, and usually quite a few. Perhaps that is a situation in which a CASA can step in as a parent surrogate
- All of the elements of a special education facility have to be mapped out and guidelines have to be set forth.

### **Disproportionate Minority Representation**

**John Rhoads, Chief Probation Officer, Santa Cruz County**

(complete handout of presentation in Tab 4 of Meeting Binder)

#### Disproportionate Minority Confinement

- Leadership
- Dedicate resources
- Staff recruitment
- Cultural competency
- Core work group
- Technical assistance

#### Decision Points

- Map key decision points
- Collect data by ethnicity
- Monitor data regularly
- Use data to improve process

#### Objective Criteria for decisions

- Risk base detention criteria
- Criteria for use of detention alternatives
- Criteria for use of intensive supervision

- Criteria for use of placement
- Monitor outcome

#### Develop Full Continuum of Services

- Culturally competent
- Research based
- Monitor access and outcomes

#### Results of Santa Cruz County

- Latino 33% 10-17 years old
- Detained 64% Latino 1997-1998
- Arrests/citations 31% Latino 1999
- Booked 47 % Latino 2000
- Detained 50% Latino 2000
- Reduction of 14%

(Task Force split into the subcommittees for discussion and preparation of presentations for Friday, March 23, 2001)

#### **Attendance, Friday, March 23, 2001**

- |                                 |                       |
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| 12. Lopez, Rubin                |                       |

#### **Subcommittee Presentation: Services & Caseload Standards**

##### Issue 1a – Technology

1. Local “browser-based” systems, or other appropriate systems, to collect information
2. Local systems can be shared intra and inter counties (integrated with criminal and juvenile justice system including court)

3. Management system for evaluation (Mechanism to pull out information on who is in system, services provided, etc.)
  4. Support legislation to fund local technology development
- There are 58 counties in California and 58 different technologies
  - There is no “cookie-cutter” model for all counties. One size definitely does not fit all.
  - We need a browser-based current technology.

#### Issue 1b – Mission Statements with Goals and Objectives

1. Local
  2. Integrate with other stakeholders
  3. Clearly defined
  4. Regularly updated & reviewed
  5. Internal management and external communication
  6. Orange County Model
    - \*Mission Statement – perhaps with strategic plan with measurable goals and objective
    - \*Employee plans
  7. Develop common language
  8. Strength-based outcome measures
- Does the public really understand what probation does?
  - Mission statements allows the public to have a better understanding of the role of probation. In addition, it is hoped that it would result in the public having realistic expectations
  - Goal is to show that probation is not just a program, but something is actually being accomplished. We need to have measurable outcomes
  - Statewide, probation needs to use a universal language

#### Discussion:

- Universal technology is mandatory. Currently, the Judicial Council offers some technological advances that are universal. Lack of technology is absurd. In the private sector, for example, a store such as Macy’s can locate a specific pair of pants and the right size, whereas it is so difficult just to get specifics for a case.
- Communication needs to begin within the county first before it can move on to inter-county.
- Federal law requires that delinquency and dependency share information. If this is not done, there is a risk of losing federal funding.



- One of the major concerns for CBOs and probation is that there is an inability to share information.
- One example of poor technology is that one CPO could not even communicate electronically with the CPO in the adjacent county. This is ludicrous as so many cases overlap between counties.
- It is dangerous for the judges to not have all the information; especially when it's due to lack of technology.

#### Issue 2a – Best Practices – Caseload and Workload Standards

1. Task Force should recommend workload standards rather than caseload ratios
  2. Workload standards should include process measures and outcome measures
  3. Use risk/needs assessment tools
- Workload standards need to be considered and not just caseloads (processing one type of case rather than others)
  - A results-driven program needed to implement performance-based measurements

#### Issue 2b – Early Intervention Collaboration Programs

1. Strengthen families in their role of guiding, disciplining, and instilling sound values in their children
  2. Support core social institutions and their role in supporting families and helping children develop their maximum potential
  3. Promote delinquency prevention strategies and activities that reduce the impact of negative (risk) factors and enhance the influence of positive (protective) factors in the lives of youth at greatest risk of delinquency
  4. Provide immediate, effective, and appropriate interventions at the first sign of trouble in a child's life
  5. Establish a system of appropriate sanctions and incentives and a continuum of graduated services to respond appropriately to the needs of each juvenile and adult offender
  6. Utilize the least restrictive alternative to placement in an effort to keep families intact whenever possible and appropriate
- See L.A.O. report, tab 4 and safe futures initiative
  - Fresno – school-based programs
  - Should some of these issues be expanded to adults?

- In early intervention collaboratives, CBOs should be contracted to work with Probation
- Missed issue of placement prevention (see preliminary recommendations)

#### Issue 2c – Case Flow Management

1. Use risk/needs assessment tools
2. Review all options and issues related to juvenile and adult facilities run by probation with the goal of having no facility over its rated capacity
3. Address disproportionate minority confinement
  - Decision Points
  - Objective Criteria for decisions
  - Develop Full Continuum of Services
4. Conditions of confinement which are conducive to the delivery of services
5. Develop more gender specific services for females

(no additional comments added)

#### Issue 3 – Vision for Probation

1. The unique role of probation is to enhance public safety by utilizing community based rehabilitation programs that are accountable to probation departments and the courts
  2. Encourage increased community based services
  3. DPOs have ability to be proactive
  4. In a balanced and restorative justice framework
  5. Possible name change to reflect role of probation i.e. “Department of Community Justice”, “Department of Community Corrections”
- Accountability also deals with the ability to show results statistically
  - Should probation departments move more towards the community?
  - The name probation has a negative connotation to it. The public doesn’t really value its true goal and that is to provide public safety. Many times you hear the phrase, “He didn’t get jail time. He ONLY got probation.”
  - Perhaps rename “community corrections”
  - DPOs will keep their name. Only the name of the department will change
  - There is concern over litigation between sheriff’s department and parole officers over titles and pay.

#### Issue 4 – DPO Issues

1. Standards for employment (experience and education)
2. Sufficient and appropriate training and equipment

3. Support probation as a profession that provides an essential community services
  4. Support sufficient pay and benefits to recognize the professional status of the probation officers and detention facility employees
  5. Recruitment and retention
- There is concern over the issue of training and qualifications (e.g. BA, etc.)
  - Currently, training is insufficient due to a lack of sufficient funds in the budget
  - POs are not properly equipped. They have no portable equipment. Once the office is left behind, access immediately stops.
  - The arming of POs is another issue. The POs are expected to go into the field which is very dangerous, yet they are not armed.
  - Pay and benefits are insufficient as well.
  - Outreach must be done to increase the interest amongst the youth to become probation officers. Currently it is not properly marketed. You hear kids saying they want to become cops when they grow up, not probation officers! Only San Jose State and Sacramento State offer programs in probation/criminal justice.
  - The status of probation must be brought up. It is not on the same level and playing field as the police, sheriffs, etc.
  - As a counter argument to POs being armed, if the situation is dangerous, the PO should go into the field only with a police escort.
  - Arming is a definitely a local issue. Many probation departments do not want to be armed.

#### Issue 5 – Educational Issues

1. Education as prevention and rehabilitation tool
2. Role of probation in advocating for special educational needs of children in system
3. Train probation officers in education issues as appropriate
4. Quality of education in facilities run by probation

(no additional comments given)

#### **Subcommittee presentation: Relationship of Probation to Court and County**

(Models proposed followed by discussion)

## Core Principle

The authority to appoint the CPO should be related to the entity or entities responsible for the conduct, support, oversight, and administration of probation services. Funding follows responsibility.

## County Model

- No change from existing system where county is responsible for administration (funding) of probation services (despite the fact that many funding sources are not from the county)
- Revise existing statutes to provide that the authority to appoint the CPO rests with the county
  - With a process providing for “concurrence” of the court (a shared collaboration model)
- Supervision, evaluation, discipline, and termination would rest with the county

## Discussion:

- Despite the collaboration and concurrence, ultimately, we go back to the core principle stating that appointment is done by the party being held responsible, in this case the county
- Looking at existing system, appointment is by county with concurrence of court
- Why can't we just state in the core principle, “Despite the possibility of concurrence, county is ultimate authority.”
- One problem is trying to get a “one-size fits all” model.
- It is a funding problem. If a court has a problem with a CPO, it's because the court has a perception that probation is not providing the services. The court's main concern is that the budget is gone.
- Statute 980 gives the court more weight when dealing with this issue
- In the facilities aspect, we have that is AB 233 in that the BOS has the responsibility to provide facilities in concurrence with the courts
- Court should be on an equal level when it comes to hiring and firing the CPO. Judges are the one who see the quality of services of the CPO on a day to day basis. The BOS does not, and for the most part, they don't truly understand probation.
- 1980s experienced a lot of tension between the courts and counties relating to the definition of probation. To which branch of the government does probation belong? How do we properly define it? There is more to it than defining liability and funding issues. It's a hybrid, not easily defined. If in the county model we will say that BOS can hire, fire, and discipline the CPO, then it must be stated.
- In the core principle, if we are going to say that the BOS has veto power over the judges, then the language must be changed

- Perhaps we can structure it so that all parties (judges and BOS) have veto power, similar to the structure of the UN Security Council
- If we have co-equal authority, we will need a different model
  - If there is co-equal authority, then there has to be co-equal responsibility
  - In a county model, if the county is responsible for funding a program and administering the program, it has the ultimate responsibility. In the court model, if the court is responsible for programs, then they should have the ultimate authority to make the appointment.
- The question is, is the county is responsible for the funding of probation. Based upon the site visits, about 35-50 percent of funds are from counties.
- What happens when we must seek other funding for a program through grant process, for example? The court is not providing or administering the program
- The problem with the model is the phrase, “with concurrence of the judges.” We cannot use that language unless you really mean it, and that’s not the true meaning of it in this context.
- Both entities (county and courts) have to be involved in this process
- Why can’t we just say “concurrence is sought with the county having the ultimate appointing authority?”
- The court has to have a major role in the appointment because the court has to make many decisions about probationers everyday. There has to be an excellent communication between the court and the service providers whether it be a CBO, CPO, etc. There is also accountability to the court. Is the PO providing the information necessary for a judge to make the critical decisions about the probationers? If you take the court out of the process of discipline of, termination of, or selection process of the appointment, then the court doesn’t have a mechanism to force it to occur.
- Base upon the site visits, a common thing has come about. The partnership between branches should be broadened. One side (judicial or executive) can’t work without the other. Forget the model and think about veto power. It gives establishes a checks and balances system. Concurrence but the party isn’t responsible as a veto power.
- In terms of determining to which branch probation belongs, it has been discussed by many POs that they are part of the executive branch. Unfortunately, in the field, it has become a very political issue in that the PO might feel the pressure to please a judge, the BOS, or both.
- CPOs have certain statutory requirements that go with their jobs. There is always the ability for a judge to point out these requirements to a CPO.
- If the BOS is in complete control, what will the attitude of the CPO be?
- SCOPO has introduced AB 765 that asks that there is a hybrid response into appointing a CPO. Many line staff want an elected CPO. If the courts don’t have the ability to instruct a CPO and a PO is still funded by the county, there might not be the cooperation needed to succeed in providing service.

- CAOs have not been mentioned. Their involvement with probation services is very large.
- If the CPO is elected, then you can hold them accountable. For example, BOS are elected officials and you can make them pay politically if they don't hold up to their claims. If they're appointed, then you can't.
- Observations (summary of discussion thus far)
  - 52 counties appoint generally by judges and they may bring in some individuals
  - other counties have a collaborative approach and that's about half of the state's population (LA, Orange, and Santa Clara)
  - our charge is to look at how system is currently set up and to make observations and recommendations
  - it is recognized that the county generally funds probation (some state grants) and can provide some supervision
  - however, there is also court supervision as they work with the PO on a day to day basis
  - many POs consider themselves court employees. So there is supervision and accountability on both sides.
  - BOS and judges are both elected so there is accountability
  - A collaborative model is definitely the best way to find the best possible candidate for CPO
  - Challenge is how do we structure it? How do we share the responsibility?
  - Though there is not total consensus, there is a general consensus.
  - How do we structure the mechanism to create a more equal role between the courts, counties, BOS
- There is agreement that you can have concurrence between the court and county. In the core principle, it should just state BOS can trump judges.
- Hiring CPO is one issue and terminating is another issue
- In the past, judges have not had a problem in firing CPOs
- Again there is the liability issue

### Judicial (Court) Model

- Court assumes responsibility for administration (funding) of probation services.
  - Note: if this model is adopted, we would have to analyze whether transfer of responsibility is for all, or part of existing services
- CPO would be appointed by the court (with/without collaboration model).
- Transfer of responsibility analogous to state trial court funding process.

We need to address:

- Identification of areas of court vs. county funding/services
- Process/method to cap county costs, state to assume future financial growth
- Indemnification and liability to state
- Status of employees/labor relations issues
- Facilities
- Transition of support services from county to court

Consensus of Relationship Subcommittee:

- Implementation of the court model would be very complex. Would take time and strong support from entities involved
- The court model would not fundamentally address the service delivery issues.

We need to evaluate a third option to address the issue of developing/implementing statewide workload measures within the context of continued county responsibility.

This model would provide for:

- County responsibility for probation services
- A process to establish desired statewide workload measures/goals
- Provide support (funding) for those measures through enhanced state funding – stability
- Work toward bringing all counties within compliance of workload measures.
- The analogy would be the DSS model where we've defined all departments' minimum standards and funding is associated through the more stable state mechanism which the local counties continue to administer as the direct service provider.

We are trying to look at a third model that focuses on improving the service delivery aspects and not just how to restructure the responsibility for probation services.

Discussion:

- This model is calling for the county to provide the services, but the State realizes this is a statewide issue and they step to the plate and create funding
- Keyword is analogous. It would be analogous to the DSS model. Statewide agencies are needed to oversee statewide guideline
- Probation is a locally administered program that receives some sort of statewide application and standards, funding, etc. have to be reviewed

- We are not necessarily looking for a state-funded model, but a state-supported model with local control. Determining consistent service is based upon statewide standards and workloads
- If we are going to discuss a development and implementation of statewide workload measurements, how do we address and enforce it? Clearly, with the existing resources, this would not occur
- The intent would be that this would be housed under YACA (Youth Adult Corrections Authority), it would be a governor's appointee, and eliminate Youth Authority, and take the YA's institutions and move them to CDC, take CDC parole, and YA Parole and place under State Community Justice Programs. You then have all of probation and parole being dealt with uniformly. Same mission statement, caseload standards, uniform ID system, training standards, hiring and retention uniformity. We have an opportunity to have a more united approach.
- Governance issue would continue to be under counties and not courts
- The Services subcommittee presented a very complex group of recommendations which were strength based, community based, and least restrictive and now we are talking about a state based system which is based within an organization that is certainly not what we're talking about here.
- Services will give us the vision for what kinds of things we should do and the model should give us the model on how to provide these services
- What kind of model would support the task force's recommendations? The county model is not doing it, the state model with state funding and court control in control and would continue to be. The question is does the court really want to take over the probation and the answer from most of the courts would be no.
- Is the 3<sup>rd</sup> model one that we need to pursue further? Currently we have discussed that this model should retain local community control, support collaborative and cooperative relationships, yet provide some statewide standards, and how to implement statewide funding and oversight.
- The 3<sup>rd</sup> model just might be the preferred model.
- For the 3<sup>rd</sup> model, it is recommended that an entity other than YACA or CDC should be in control.
- Perhaps we can look towards the Arizona model. They can come to our next meeting in May and present on how they have created and implemented their model.
- We need a model that will be well funded. It is ok to explore the 3<sup>rd</sup> model but we need to keep the issues in mind.
- If we want to make the changes discussed on the Services side, we have to be careful how we formulate this oversight issue. We can't create something that is set up for immediate takeover by CPOA, who would have the money to politically move this because of the way the legislation works
- Perhaps the entity providing the funding could create the statewide standards and workload. This would make it less difficult to implement and supervise programs. For example, a statewide organization to umbrella the services would be ideal.



- Irrespective of funding, there can be a mutual relationship between the BOS and the court. However, hiring and firing issues are different.
- Any change that we are proposing to the system must look attractive. If it is not an improvement to the system that will require new resources (staff, money, etc), then we'll have to tie it to an outcome that is of interest to those at the Capitol. Must show "more bang for your buck."
- We must show that if we develop and implement statewide standards, then recidivism will decrease and public safety will increase.
- Furthermore, public perception must change about probation. We have to break the train of thought "lock 'em up and throw away the key."

Conclusion: Let's keep the county model on the table, and do more work on both the county model and the state model. We need to study the Arizona model and consider a 3<sup>rd</sup> model that is not tied to parole or CDC, and also controlled by county yet have statewide standards that could be implemented financially.

### **Pending Legislation**

- AB 675 – Maddox - 6 member commission to appoint CPO
  - SSOPD introduced. Will not move the bill this year. Serves as placeholder to keep issue at high level of concern
  - CSAC opposed to it
- SB 918 – Ortiz
  - Placeholder bill
  - Drug testing component would cost 30 million
- SB 223 – Burton's testing bill

### **Discussion:**

- Is it the role of the PSTF to draft minimum requirements for the CPOs?
- We will defer minimum standards discussion until after determining the model
- We might recommend minimum educational requirements for DPOs.

### **CREATION OF PSTF WRITING GROUP**

- It was decided that a group must be created in order to write up a final report from the duties fulfilled by the PSTF.
- Volunteers for the group are:
  1. Joshua Weinstein
  2. Audrey Evje
  3. Michael Roddy
  4. Barbara McIver
  5. William Davidson
  6. Liz Howard

## 7. Rubin Lopez

### Preliminary Recommendations

- It was voted on to adopt the Services' subcommittee preliminary recommendations as amended.

### Schuman's Recommendations (Issues to be Considered)

- It was suggested to send back the recommendations to the subcommittees to work out as they were not too clear. Some are recommendations, some are findings, and some are questions and issues that must still be addressed.
- These will be sent back to the subcommittees for review prior to the next full PSTF meeting on May 17-18, 2001 at the Crowne Plaza Hotel, LAX.